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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,089	09/09/2003	Masanori Yabu	0229-0777P	9853
2292	7590	01/10/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EVANS, GEOFFREY S	
			ART UNIT	PAPER NUMBER
			1725	

DATE MAILED: 01/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.	10/657,089	Applicant(s)	YABU, MASANORI
Examiner	Geoffrey S Evans	Art Unit	1725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
eriod for Reply

### A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### status

1) Responsive to communication(s) filed on \_\_\_\_\_.  
2a) This action is FINAL.                    2b) This action is non-final.  
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

4) Claim(s) \_\_\_\_ is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
5) Claim(s) \_\_\_\_ is/are allowed.  
6) Claim(s) 1,2,4 and 6-10 is/are rejected.  
7) Claim(s) 3,5 is/are objected to.  
8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9) The specification is objected to by the Examiner.  
10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

Notice of References Cited (PTO-892)  
 Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
    Paper No(s)/Mail Date 20030909.  
4) Interview Summary (PTO-413)  
    Paper No(s)/Mail Date. \_\_\_\_\_.  
5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_.

## DETAILED ACTION

1. The abstract of the disclosure is objected to because it is more than one paragraph long and it contains legal phraseology (the word "comprises" (two instances) and the word "wherein" on line 4. Correction is required. See MPEP § 608.01(b).
2. Claims 9 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear when a golf club head ceases to be "wood-type" in claim 9 or "iron-type" in claim 10. Respectfully suggest instead using the words "wood" and "iron" respectively to obviate this rejection.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1,4/1 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Takeda in U.S. Patent Application Publication No. 2001/0039217 A1. Takeda discloses a protrusion (see paragraph 49 and figure 10b). Inherently, there must be a gap to place the workpiece 14 within the edges of workpiece 4. Regarding claim 4/1, see paragraph 48.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2 and 4/2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeda in U.S. Patent Application Publication No. 2001/0039217 A1 in view of Fouche et al. in U.S. Patent No. 4,960,973. Fouche et al. teaches laser welding with a gap of 0.5 mm to 1.5 mm between the workpieces. It would have been obvious to adapt Takeda in view of Fouche et al. to provide this to easily place workpiece 14 within the edges of workpiece 4. Determination of the optimal gap size is a matter of routine experimentation well within the level of scope of a mere technician in the art.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takeda in U.S. Patent Application Publication No. 2001/0039217 A1 in view of Sumitomo in Japan Patent No. 10-15,121 A. Takeda discloses using a golf club head where the portion that strikes the golf ball is made of a nickel-beryllium alloy. Sumitomo teaches making the main part of the golf club head of the inexpensive light weight metal Aluminum (See paragraph 16). It would have been obvious to adapt Takeda in view of Sumitomo to provide this to reduce the cost and weight of the golf club head.

8. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeda in U.S. Patent Application Publication No. 2001/0039217 A1 in view of Seki et al. in U.S. Patent No. 6,783,466. Seki et al. teaches using plastic forming to create the front part of the golf club head and producing the back part by casting. It would have been obvious to adapt Takeda in view of Seki et al. to provide this to prevent defects in the front part of the golf club head.

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takeda in U.S. Patent Application Publication No. 2001/0039217 A1 in view of Igarashi in U.S.

Patent No. 5,706,566. Igarashi teaches that welding can make a wood golf club head. It would have been obvious to adapt Takeda in view of Igarashi to provide this to make a golf club head for moving the golf ball longer distances.

10. Claims 3 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chiu et al. in U.S. Patent No. 6,617,537 discloses combining a golf club head and a strike plate.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey S Evans whose telephone number is (571)-272-1174. The examiner can normally be reached on Mon-Fri 6:30AM to 4:00 PM, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on (571)-272-1171. The fax phone number for the organization where this application or proceeding is assigned is (703)-872-9306.

GSE

*Geoffrey S. Evans*  
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